

§ 704.25

(b) The provisions of this section shall be applicable only if a person relied upon the action or advice of an authorized representative of a CD, NRCS, or the STC or COC, in rendering performance which the person believed in good faith met the requirements of the program established by this part. The authority provided in this section does not extend to cases where the person knew or had sufficient reason to know that the action or advice of the authorized representative of NRCS or the STC or COC, upon which the person relied was improper or erroneous, or where the person acted in reliance on the person's own misunderstanding or misinterpretation of program provisions, notices or advice.

(c) Any person seeking consideration under the provisions of this section may file a request therefor with the local NRCS field office and the COC (where performance related to the Conservation Plan or erodibility determination) or the COC (where performance relates to any other program requirement).

[52 FR 4269, Feb. 11, 1987, as amended at 61 FR 43945, Aug. 27, 1996]

§ 704.25 Access to land.

Any representative of the Department, or designate thereof, shall have the right of access to land which is the subject of an application for a CRP Contract or land which is the subject of a CRP Contract and shall have the right to examine any other cropland under the applicant's or participant's control for the purpose of determining whether the land is highly erodible and for the purpose of determining whether there is compliance with the terms and conditions of the CRP.

§ 704.26 Division of program payments and provisions relating to tenants and sharecroppers.

Payments received under a CRP Contract shall be divided fairly and equitably among all participants to the contract. Producers who would have shared in the risk of producing crops on the land to be placed in the CRP shall receive equitable treatment in accordance with the regulations set forth in 7 CFR 1413.150 which relate to divi-

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sion of payments and the rights of tenants and sharecroppers.

[52 FR 4269, Feb. 11, 1987, as amended at 61 FR 43945, Aug. 27, 1996]

§ 704.27 Appeals.

(a) Except as provided in paragraph (b) of this section, the participant may obtain a review in accordance with the administrative appeal regulations (7 CFR part 780) of any administrative determination rendered under this program.

(b) The participant may obtain a review in accordance with appeal regulations at 7 CFR part 614 of any determinations rendered under this program by NRCS or a CD.

[52 FR 4269, Feb. 11, 1987, as amended at 61 FR 43945, Aug. 27, 1996]

§ 704.28 Depriving others of payments.

If it is determined by CCC that any participant has employed any scheme or device to deprive any other person of cost-share assistance or land rental payments, any part of any program payment otherwise due or paid such participant during the CRP Contract period may be withheld or required to be refunded with interest thereon as determined by CCC. A scheme or device includes, but is not limited to, coercion, fraud, or misrepresentation.

§ 704.29 Filing of false claims.

If it is determined by CCC that any participant has knowingly supplied false information or has knowingly filed a false claim, such participant shall be ineligible for payments under the CRP with respect to the crop year in which the false information or claim was filed. False information or false claims include a claim for payment for a conservation practice which is not carried out or a claim for payment for conservation practices which do not meet the specifications of the applicable conservation plan. Any amounts paid under these circumstances shall be refunded, together with interest as determined by CCC, and any amounts otherwise due such participant shall be withheld. The withholding or refunding of such payments will be in addition to any other penalty or liability otherwise imposed by law.